

### **REMARKS**

Claims 1-12 are pending in this application. Claim 5 was objected to only as depending upon a rejected base claim, and was otherwise deemed to be allowable. Claim 1 was objected to on formal grounds and claims 1-4 and 6-12 have been rejected. By this Amendment the specification and claim 1 have been revised. Claim 1 is independent.

The Examiner is thanked for the personal interview conducted on December 3, 2003. In preparing this Amendment, Applicants have taken care to proceed in a manner consistent with the discussions between Applicants' attorney and the Examiner during that interview. For example, claim 1 has been amended as proposed during the interview. Arguments have been presented which distinguish the claimed invention from the cited art for reasons which include the grounds advanced during that meeting.

#### **The Objection to Claim 1**

Claim 1 was objected to on grounds the expression "said lid" at line 4 lacked antecedent basis.

Claim 1 has been revised to establish the requisite antecedent basis for this term. Favorable reconsideration and withdrawal of this objection are respectfully requested.

#### **The Rejection Under 35 U.S.C. § 102**

Claims 1-4 and 6-12 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,302,530 to Shimada et al. Applicants respectfully traverse this rejection and submit the following arguments in support thereof.

As described in claim 1, this invention involves an ink cartridge for an ink jet printer. The cartridge has a housing with a bottom wall and an opening, an ink supply port

formed on the bottom wall, a lid covering the opening, the lid having a through hole, and an air vent section formed on the lid which communicates with atmospheric air when the ink cartridge is in use. A circuitous channel is formed in the lid's outer surface and connects the through hole to the air vent section. This circuitous channel includes a tunnel part which is an unexposed passage running through a portion of the lid. A first seal member is affixed to the lid over the through hole and one part of the circuitous channel, and a second, removable seal member is affixed to the lid over the air vent section, this second seal member being removed when the ink cartridge is in use.

In other words, and as was explained during the personal interview, in this invention a portion of the air path between the through hole and the circuitous channel is goes through a solid portion of the lid (this is the "tunnel"), as shown in Fig. 8 of the application. This arrangement facilitates the attachment of the two seals to the top of the lid - a portion of at least one seal (the first seal) can rest on part of the solid surface above the "tunnel" and, when the cartridge is used, the seal over the recessed part (second seal) can be removed without disturbing the first seal.

Nowhere does Shimada even suggest all the features of Applicants' claimed invention. Contrary to the assertion at page 3 of the Office Action, Shimada's air flow paths are entirely **exposed**. This is clear from Fig. 8(b) of Shimada, which is a top view of the lid. All of the air flow paths are formed on the surface - no part of the air flow paths is enclosed within a solid portion of the lid. In other words, Shimada lacks a "tunnel" in the air path.

The Office Action also is not well-taken insofar as it suggests at page 4 that Shimada teaches first and second seal members that are spaced as claimed. Shimada, in Figs. 5(a), 7(a) and 8(b), shows what appears to be a single seal that covers all of the surface of the lid

(which, again, lacks a tunnel), and during use a portion of the seal is torn off. See col. 10, lines 8-13 (emphasis added):

During use, **the portion 67a of a film 67 covering exit through-holes 66a-66d is stripped off**, exposing ink chambers 42a to 42d to ambient air through the associated circuitous groove 65(a) -65(d). The portion of film 67 not removed forms circuitous grooves 65(a)-65(d) into air passages.

Thus, it will be appreciated that Shimada teaches a single, tearable seal, rather than the seals as claimed.

For a reference to anticipate a claimed invention under 35 U.S.C. § 102 it must identically disclose all of the features of the claimed invention. As just shown, Shimada in no way even suggests all the features of the claimed invention, especially the "tunnel" and the seals. Accordingly, Shimada cannot anticipate that invention.

For all the foregoing reasons, favorable consideration and withdrawal of this rejection are respectfully requested.

#### **SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

In compliance with the duty of disclosure under 37 C.F.R. § 1.56 and in accordance with the practice under 37 C.F.R. §§ 1.97 and 1.98, the Examiner's attention is directed to the document listed on the enclosed Form PTO/SB/08a.

Some of the cited references constitute prior art of record from parent application no. 09/312,073, the priority of which previously has been claimed under 35 U.S.C. § 120. In accordance with MPEP § 609, copies of those references (US appln. 09/041,890, now US 6,312,115, US 6,250,750; JP 8-224894; JP 3-150167; and JP 1-99633) have not been provided.

The Examiner is respectfully requested to confirm that these references have been considered by returning to Applicants' undersigned attorney a copy of the accompanying Information Disclosure Statement by Applicant form (PTO/SB/08a).

Since this Supplemental Information Disclosure Statement is being filed in accordance with 37 C.F.R. § 1.97(c), the Commissioner is authorized to charge the requisite fee under 37 C.F.R. § 1.17(p) (\$180), as well as any other fee which may now or hereafter be due, to Deposit Account No. 19-4709.

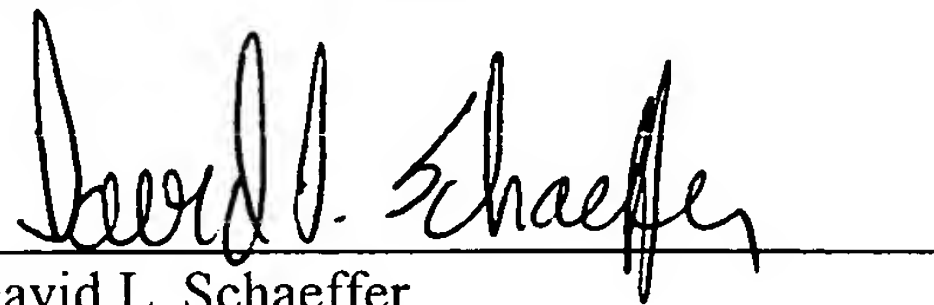
**CONCLUSION**

Applicants have made a diligent effort to place this application in condition for allowance and submit that the claims are in condition for allowance. If for any reason, however, the Examiner should deem that this application is not in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below to resolve any outstanding issues prior to issuing a further Office Action.

The Commissioner is authorized to charge any fee now or hereafter due in connection with the prosecution of this application to Deposit Account No. 19-4709.

Prompt and favorable consideration are respectfully requested.

Respectfully submitted,



David L. Schaeffer  
Registration No. 32,716  
Attorney for Applicants  
STROOCK & STROOCK & LAVAN LLP  
180 Maiden Lane  
New York, New York 10038-4982  
(212) 806-5400